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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Polit & Associates
3333 Warrenville Road
Suite 520
Lisle, IL 60532

EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/644,923

Applicant(s)
BURKETT

Examiner
Thomas J. Brahan

Art Unit
3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 9, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1, 4, 17, 22, 23, 25, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dunbar. Dunbar shows a mobile crane apparatus comprising:

a trailer (17) supported by at least a pair of wheels;

a hydraulically operated crane having a center post (82) and a boom (85,86), the center post supported to extend upwardly from a central location of the trailer, the central location substantially centrally located both longitudinally and laterally (note the center post is movable to support the boom at a central location), and said boom extendable outwardly (pivotally) from the center post; and

a crane operator control station (92) carried by the trailer.

A power unit (91) is carried by the trailer, as recited in claims 4 and 11. The intended use of the trailer, on golf courses, as recited in claim 27 is not given any weight, as the limitation is recited in the preamble of claim 27 without any specific related limitations in the body of the claims, and as the trailer of Dunbar could be used on a golf course.

4. Claims 1, 4, 6-8, 11, 17, 19, 20, 22, 23, 25, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gilbers. Gilbers shows a mobile crane apparatus comprising:

a trailer (1) supported by at least a pair of wheels(4);

a hydraulically operated crane having a center post (at 10) and a boom (6), the center post supported to extend upwardly from a central location of the trailer, the central location substantially centrally located both longitudinally and laterally, and said boom extendable outwardly (pivotally) from the center post; and

a crane operator control station (17) carried by the trailer.

A power unit (2) is carried by the trailer, as recited in claims 4 and 11. The control station has a seat, as recited in claims 6-8, 11, and 20. A longitudinally mounted cylinder (at 11) is mounted to the crane arm of Gilbers, as recited in claim 19. The intended use of the trailer, on golf courses, as recited in claim 27 is not given any weight, as the limitation is recited only in the preamble of claim 27 without any specific related limitations in the body of the claims. Note also that the trailer of Gilbers supports a mower a to be usable on a golf course.

5. Claims 1, 7, 9, 10, 17, 22, 23, 25, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Birbanescu et al. Figure 5 of Birbanescu et al shows a mobile crane apparatus comprising:

a trailer (22) supported by at least a pair of wheels;

a hydraulically operated crane having a center post (1) and a boom (2,3), the center post supported to extend upwardly from a central location of the trailer, the central location substantially centrally located both longitudinally and laterally, and said boom extendable outwardly (pivotally) from the center post; and

a crane operator control station (5) carried by the trailer.

Outriggers (26) extend from corners which can be considered as back corners of the trailer, as no orientation is defined for the trailer, as recited in claims 9 and 10.

6. Claims 1, 4, 6, 7, 9-11, 17, 19, 22, 23, 25, 27, and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wellman. Wellman shows a mobile crane apparatus comprising:

a trailer (10) supported by at least a pair of wheels;

a hydraulically operated crane having a center post (49) and a boom (50), the center post supported to extend upwardly from a central location of the trailer, the central location substantially centrally located

both longitudinally and laterally, and said boom extendable outwardly from the center post; and a crane operator control station (40) carried by the trailer.

Outriggers (12) extend from the corners of the trailer, as recited in claims 9, 10 and 27. A hydraulic cylinder (24) carries the center post, as recited in claims 19 and 32. The intended use of the trailer, on golf courses, as recited in claim 27, is not given any weight, as the limitation is only recited in the preamble of the claim without any specific related limitations in the body of the claim.

7. Claim 27 is rejected under 35 U.S.C. § 102(b) as being anticipated by Cook. Cook shows a mobile crane apparatus with center post (21) in a central location on a trailer, with the center post equidistant from the wheels (4), although mounted just behind their axle.

8. Claims 27 and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Citron et al. Citron shows the basic claimed trailer with a center post (at 80) equidistant from the wheels (30). It appears to have the wheels mounted on a single axle. If not, this would have been an obvious design expedient within the limits of routine skill in the art, as being a conventional trailer wheel arrangement. The intended use of the trailer, on golf courses, is not given any weight, as the limitation is only recited in the preamble of the claim without any specific related limitations in the body of the claim. The trailer includes a hitch (32) and outriggers (34A-D), as recited in claim 28.

9. Claims 3 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Newton, Longert, Dunbar, Gilberts or Birbanescu et al. The width of the tires chosen for these trailers would have been an obvious design concern, depending on the intended terrain.

10. Claims 1, 2, 4-8, 11-22, 23, 25, 27, and 29-32 are rejected under 35 U.S.C. § 103(b) as being unpatentable over Haverkamp et al in view of Gilberts. Haverkamp et al shows a vibratory sheet pile driver and discloses that these pile drives are supported by cranes or backhoe vehicles, see column 1, lines 9-19. It varies from the claims by not specifying that it is trailer mounted. Dunbar shows a portable trailer mounted boom device. It would have been obvious to one of ordinary skill in the art to mount the pile drive of Haverkamp et al on a small trailer boom type vehicle, as to have it easily transported, as taught by Gilberts. A longitudinally mounted cylinder (at 11) is mounted to the crane arm of Gilberts, as recited in

claims 13, 19, and 32. The relative dimensions of the trailer and its equipment, as to have 50% of the weight of the device being the crane, as recited in claims 21 and 31, would have been an obvious design expedient, within the limits of routine skill in the art. The hydraulic power unit (2) and the operator's seat are mounted at the front of the trailer of Gilbers, as recited in claim 14. The location of a pile driver cradle, as recited in claims 15 and 16, would have been an obvious design expedient, within the limits of routine skill in the art.

11. Claim 21 is rejected under 35 U.S.C. § 103(b) as being unpatentable over Gilbers. The relative dimensions of the trailer and its equipment, as to have 50% of the weight of the device being the crane, would have been an obvious design expedient, within the limits of routine skill in the art.

12. Claims 1, 4, 6, 7, 9-11, 17, 20, 22, 23, and 25-28 are rejected under 35 U.S.C. § 103(b) as being unpatentable over Zeilman in view of Johnston et al. Zeilman shows the basic claimed mobile crane apparatus having a single axle trailer (12) with a center post (at the turntable) centrally located both longitudinally and laterally, and a superstructure with an operator's cab and an extendable boom. It varies from the claims by not stating that the crane is hydraulically operated. However this is conventional for these types of cranes. Johnston et al shows a similar crane with a rotating superstructure with a power plant (26) for supplying hydraulic fluid to power the crane's winches, outriggers and other hydraulic actuators. It would have been obvious to one of ordinary skill in the art to have the crane of Zeilman hydraulically actuated, as is well known in the art, as evidence by Johnston et al. The two outriggers beams (31 and 32) define a rectangular frame with outriggers at the corners, as recited in claims 26 and 28. The intended use of the trailer, on golf courses, as recited in claim 27, is not given any weight, as the limitation is only recited in the preamble of the claim without any specific related limitations in the body of the claim.


13. Claims 27 and 29-31 are rejected under 35 U.S.C. § 103(b) as being unpatentable over Haverkamp et al in view of Cook. Haverkamp et al shows a vibratory sheet pile driver and discloses that these pile drives are supported by cranes or by backhoes, see column 1, lines 9-19. It varies from the claims by not specifying that the backhoes is trailer mounted. Cook shows a portable trailer mounted backhoe. It would have been obvious to one of ordinary skill in the art to mount the pile drive of Haverkamp et al on a small trailer backhoe type vehicle, as to have it easily transported, as taught by Cook. The relative dimensions

of the trailer and its equipment, as to have 50% of the weight of the device being the crane, as recited in claim 31, would have been obvious design expedients, within the limits of routine skill in the art.

14. Note that Zeilman teaches that single axle and dual axle trailer arrangements are art recognized equivalents for trailers, see page 2, column 2, lines 13-16.

15. Larva et al, Westerlund et al, Lee, and Melan et al are cited as showing trailer mounted cranes.

16. Applicant's comments in the amendment after final have been considered, but are deemed moot in view of the above new rejections. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Fridays from 9:30-7:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.


THOMAS J. BRAHAN
PRIMARY EXAMINER